TOP SECRET//SI//TALENT KEYHOLE//NOFORN

NATIONAL SECURITY AGENCY CENTRAL SECURITY SERVICE FORT GEORGE G. MEADE MARYLAND 20755-6000

4 March 2013

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//FOUO) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U//FOUO) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that intelligence activities of the National Security Agency during the quarter ending 31 December 2012 were unlawful or contrary to Executive Order or Presidential Directive and thus should have been reported pursuant to Section 1.6(c) of Executive Order 12333, as amended.

(U//FOUO) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by inspections, surveys, training, review of directives and guidelines, and advice and counsel.

GEORGE ELLARD
Inspector General

RAJESH DE General Counsel

(U//FOUO) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

General, U. S. Army Director, NSA/Chief, CSS

Encl:

Quarterly Report

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Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

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I.	(U) Intelligence, Counterintelligence, and Intelligence-Related Activities that
	Violated Law, Regulation, or Policy and Were Substantiated during the
	Quarter, as well as Actions Taken as a Result of the Violations

I.A. (U) Intelligence Activities Conducted under Executive Order (E.O.) 12333 Authority

7.4
(U// FOUO) Some incidents may involve more than one authority (e.g., E.O. 12333, NSA/CSS Title I Foreign Intelligence Surveillance Act (FISA), FISA Amendments Act (FAA). Incidents involving more than one authority are included in the section for each involved authority. Thus, a single incident may produce multiple entries in this report.
I.A.1 (U) Unintentional Targeting or Database Queries against United States Persons (USPs) or Foreign Persons in the United States
(S//SI//REL TO USA, FVEY) During the fourth quarter of calendar year 2012 (CY2012), the National Security Agency/Central Security Service (NSA/CSS) continued As part of that process, duplicate selectors were removed and the number of active selectors was reduced. At the end of the fourth quarter of CY2012, NSA/CSS's primary tasking tools for telephone and Internet selectors contained approximately active selectors.
(U//FOUO) During the fourth quarter of CY2012, in instances, signals intelligence (SIGINT) analysts inadvertently targeted communications to, from, or about USPs, while pursuing foreign intelligence tasking or performed mistaken queries that potentially sought or returned information about USPs. Unless otherwise specified, all intercepts, query results, and reports have been deleted or destroyed as required by United States SIGINT Directive SP0018.
I.A.1.a. (U) Tasking Errors
(TS//SI//REL TO USA, FVEY) an analyst discovered that selectors associated with a USP had erroneously been tasked because the analyst had overlooked information about the target's USP status. All selectors associated with the target were detasked, and all collected data was purged.
(TS//SI//REL TO USA, FVEY) an analyst discovered that a selector for a foreign intelligence target that had been detasked was subsequently retasked while the target was in the United States. The analyst detasked the selector (b) (1) (b) (3) -P.L. 86-36
(S//SI//REL TO USA, FVEY) analysts discovered that selectors associated with foreign intelligence targets that had been previously detasked because were retasked while the targets were in the United States. All selectors were detasked and no collection occurred.
(TS//SI//NF) an analyst discovered that selectors associated with a USP had been erroneously tasked because information about the target's USP status was Derived From: NSA/CSSM 1-52, dated 20080107
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(b)(1) (b)(3)-P.L. 86-36

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(b)	(1)			
(,d)	(3) - P.I	. 86	5-36	
(b)	(3) - 50	USC	3024	(i)

		. (10)	\
		inity (IC) customer when the selector was	s being \
	researched for tasking. The selector wa	is detasked, and all data was deleted	
	(TOUGHTY UDDI TO HOLD TO	And the state of t	**************************************
	(TS//SI/TK//REL TO USA, FVI		
	125	sly targeted and collection occurred for 39	9 minutes
	because a		<u> </u>
	before executing the collection task. Al	ll collected data was purged.	
(b)(1)	(2001/03/19		
(b)(3)-P.L. 86		an analyst mistaker	· 1
		stead of the selector associated with a for	reign
	intelligence target. The selector was de	tasked	***************************************
	IAA - : (II) Haaadhaa'aa I Tarrad'	and the state of t	(b)(1) (b)(3)-P.L. 86-36
	I.A.1.a.i. (U) Unauthorized Targeti	ng	(b) (3) -50 USC 3024(i)
	(TC//CL// \TT\		
	(TS//SI//NF)	an analyst discovered that a telephone	selector
	associated with a USP, formerly approv		
	was tasked	The selector was detas	
(b) (1)		has been requested, and a request for FA	AA § 704
(b) (3)-P.	authorization has been submitted for fut	ture targeting.	
The state of the s	(TS//SI//NF)	an analyst discovered that data had	haan callacted
	(an analyst discovered that data had	
		a foreign intelligence target when the targ	get was in the
	United States.		
	ļ	Acceptance of the Control of the Con	and the state of t
	****		(b) (1)
	I.A.1.b. (U) Database Queries		(b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)
	interior (o) Database Querios		(1) 4206 360 050 3024(1)
	(S//SI//REL-TO USA, FVEY)		
			<u> </u>
	(U// FOUO) On occasions d	during the fourth quarter, analysts perforn	ned overly broad
		that potentially selected or returned inform	
	USPs. These queries used		
	question de la constant de la consta	that produce	ed imprecise
	results. On of those occasions, the	queries returned results, which were dele	*1
		Analysts who performed these queries v	
	by their management.	The state of the s	
	-,		
	(U) Procedural and other errors	contributed to the following incidents:	(b)(3)-P.L. 86-36
	• (S//SI//REL_TO USA_FVEY) On	occasions during the fourth quarter, N	ISA analysts
	-481	atabases without first conducting the necessary	-
	The state of the s		

⁽b) (1) (b) (3)-P.L. 86-36

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on the selectors. When the queries returned results, they were deleted and no reports were issued.

•	intelligence target while performing a query on a selector for a foreign
•	NSA had detasked the selector because the target was in the United States. The query results were deleted (S//SI//REL TO USA, FVEY) an analyst performed a query in a raw traffic database (b) (1) (b) (3) -P.L. 86-36 (b) (3) -P.L. 86-36 (b) (3) -50 USC 3024 (i)
•	-(S//REL TO USA, FVEY)
(b) (1) (b) (3) -P. L. 86-	analyst had mistakenly performed queries in a raw traffic database on the selectors for a foreign intelligence target in the United States. The analyst deleted the results. 36 (S//SI//REL_TO USA_FVEY) an analyst performed a query in a raw traffic database on a selector that had been determined to be associated with a USP. The analyst deleted the query and results
	(S//SI//REL TO USA, FVEY) In a raw traffic database on selectors associated with a target when it was known that the United States
•	(S//SI//REL TO USA, FVEY) an analyst performed a query using a selector associated with a USP The analyst then sent the results of the query to another analyst. Subsequently, the analyst learned that the selector was registered to a USP. The analyst recalled the e-mail and deleted all query results. (TS//SI//NF) analysts selected an incorrect database when performing queries on selectors associated with foreign intelligence targets.
(b) (1) 86 (b) (3) -P.L. 86	mistakenly performed a query on a target authorized under FAA §705(b) a raw traffic database during the time the target was in the United States. The query and results were deleted (b) (1)
	(b)(3)-P.L. 86-36 (b)(3)-50 USC 3024(i)

	(S//SI//REL TO USA, FVEY) an analyst discovered that a query was
	performed on a selector associated with a foreign intelligence target while the target was in the United States.
	(TS//SI//REL TO USA, FVEY)
and the second of the second o	in a raw traffic database on one of the selectors for a foreign
4 4 5 5 5 5 7 7 7 7 7 7 7 7 7 7 7 7 7 7	intelligence target who arrived in the United States The analyst was
b) (1)	because of database access problems. The second sec
b) (3) -P.L.	
	(S//SI//REL TO USA, FVEY) an analyst performed a query in the incorrect raw SIGINT database. The query and the results were deleted immediately.
	(S//SI//REL TO USA, FVEY) an analyst unfamiliar with a query
\	tool performed a query in a raw traffic database
	No results were returned. (b) (1) (b) (3) -P.L. 86-36
`	(D) (3) -50 USC 3024 (iii) (3) -50 USC 3024 (iii)
	analysts discovered
***************************************	the selectors associated with foreign intelligence targets were detasked
	because the United States
) (1)) (3) -P. I.	results were deleted.
	(S//SI//REL TO USA, FVEY) an analyst performed a query in a
1//	raw traffic database on a list of selectors that included one associated with a USP. Upon
	discovery of the error, the analyst stopped the query and removed the selector.
\ \	an analyst included a U.S. e-mail address instead of the intended target's e-mail address in a query running in a raw traffic
\	database. No results were returned.
\	
\	(S//SI//REL TO USA, FVEY) an analyst performed a query in a raw
\	traffic database The analyst deleted
\	the results without viewing them
	-(TS//SI//NF) an analyst performed a query in a raw traffic database
	on a selector associated with a USP. A destruction waiver was approved
	(S//SI//REL TO USA, FVEY) an analyst ran a query in a raw
	traffic database on the selectors associated with a foreign intelligence target while the target
	was in the United States. The analyst deleted the query and results
	(S//SI//REL TO USA, FVEY) an analyst performed a query in a
	raw traffic database on the incorrect selector because
	into the query form. The query was canceled before execution, and no results were
	returned.
A STATE OF THE PARTY OF THE PAR	(b) (1)
(b) (1) (b) (3) -P	(b) (3)-P.L. 86-36 L. 86-36 (b) (3)-50 USC 3024(i)
, , , - , -	(2) (3) 00 000 0024(1)

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(b) (1)

(b)(3)-P.L. 86-36

(b) (3)-18 USC 798

(b) (3) - 50 USC 3024(i)

I.A.1.c. (U) Detasking Delays

I		The delay occurred becau	se
			No collection
occurred.			 \
(0.1107.110.7			$\sim 10^{-1}$
	EL TO USA, FVEY)		scovered that selectors
	ntelligence targets had been o	verlooked for detasking and	remained on task.
Opon discovery,	the selectors were detasked.		
-(S//SI//RI	EL TO USA, FVEY)	during a select	or review, an analyst
	ector for a foreign intelligence		
		The selector was detasked	. (b)(1)
(0.1107.17)		The second secon	(b) (3)-P.
	EL TO USA, FVEY)		ing a selector for a
	ice target, an analyst discovere		
United States.	United States. No collection	occurred during the time th	ne target was in the
Officer States.			
(S//SI//RI	EL TO USA, FVEY)	it was discov	ered that selectors for a
	ice target had remained on tas		
	tes. All selectors were detask		
`	EL TO USA, FVEY)		rned that a selector for
a foreign intellige	ence target had been overlook	ed when	
/ 	The se	lector was detasked	
`/ L	THE SE	TCCOT Was uctasker	
year annual and a second	TL TO USA EVEVY Select	ors for a foreign intelligence	e target remained on
(TS//SI//F	tee 10 cont, 1 tell, beleet		
task-		after NSA analysts	had detasked the
	the target had entered the Ur		had detasked the No reports were
selectors because issued.			
selectors because issuedL. 86-36	e the target had entered the Ur	nited States (No reports were
selectors because issued. 1. 86-36 (S//SI//RI	e the target had entered the Ur	analysts lear	No reports were
selectors because issued. L. 86-36 (S//SI//RI foreign intelligen	e the target had entered the Ur EL-TO-USA, FVEY) ace target	analysts lear	No reports were
selectors because issued. L. 86-36 (S//SI//RI foreign intelligen remained on task	e the target had entered the Ur EL TO USA, FVEY) ace target despite the submission of a despite the submission	analysts lear the United States etask request	ned that selectors for a had The selectors
selectors because issued. L. 86-36 (S//SI//RI foreign intelligen	e the target had entered the Ur EL TO USA, FVEY) ace target despite the submission of a despite the submission	analysts lear	ned that selectors for a had The selectors
selectors because issued. L. 86-36 (S//SI//RI foreign intelligen remained on task were detasked	e the target had entered the Ur EL TO-USA, FVEY) ace target despite the submission of a d and data w	analysts lear the United States etask request vas purged.	No reports were ned that selectors for a had The selectors (b) (1) (b) (3)-P.
selectors because issued. L. 86-36 (S//SI//RI foreign intelligen remained on task were detasked	e the target had entered the Ur EL TO USA, FVEY) ace target despite the submission of a despite the submission	analysts lear the United States letask request vas purged. an analyst d	ned that selectors for a had The selectors

	(TS//SI//REL TO USA, FVEY) it was discovered that
	selectors for a foreign intelligence target had been overlooked when other selectors tasked under
	FAA §702 authority were detasked because of the target's U.S. travel. All selectors were
	detasked, and non-compliant FAA §702 data has been marked for purging. It was also
	discovered that the selectors in a raw traffic
b) (1)	database. and the selectors were removed
(b) (3) -P.	L. 86-36
	(S//SI//REL TO USA, FVEY)
	delays in detasking the selectors for a foreign intelligence target who had entered the United States
	The selectors were detasked and no data was collected.
	- (S//SI//REL TO USA, FVEY) an analyst learned that a selector for
	a foreign intelligence target had remained on task even though information was known on
	about the target's U.S. travel. The selector was detasked.
	No collection occurred.
	(S//SI//REL TO USA, FVEY) selectors for foreign
John State S	intelligence targets were discovered to have remained on task, even though related selectors had
	been detasked because the targets were in the United States. Upon discovery, the selectors were
o)(1) o)(3)-P.I	detasked - 86-36
1	(S//SI//REL TO USA, FVEY) an analyst discovered that
	valid foreign intelligence targets had traveled to the United States from
	Although information was available
	in the forwarding of the information.
	Upon discovery of the information the analyst initiated the detasking.
	Collection was deleted, and no reporting occurred. (b) (1)
	(b) (3) -P.L. 86-36 (b) (3) -18 USC 798
	I.A.2 (U) (b) (3) -18 USC 798 (b) (3) -50 USC 3024(i)
	(S//SI//REL_TO USA_EVEY)
	(SISTINGE TO CSIT, T VET)
	I.A.3 (U) Unauthorized Access (b) (1) (b) (1) (b) (3) -P.L. 86-36
	I.A.3 (U) Unauthorized Access (b) (3)-P.L. 86-36
	(S//SI//REL TO USA, FVEY) it was discovered at NSA/CSS
	Colorado (NSAC) that approximately personnel, not all of whom had the proper authority
	or training, had had access to the

	-TOP SECRET//SI/TALENT KEYHOLE//NOFORN (b) (3) -P.L. 86-36 (b) (3) -50 USC 3024(i)
	(2), (3) 33 332 3321(2),
l	NSAC has begun an in-depth review of all raw SIGINT
	data sources to ensure that raw SIGINT is being handled properly.
(b)(3)-P.L.	86-36
	on a server not authorized to hold it. The data was deleted and moved to an authorized location.
	A listing of authorized servers has been compiled to prevent future errors.
	LAA (II) Bete Hendling Free
	I.A.4 (U) Data-Handling Error
	(TS//SI//REL TO USA, FVEY) an analyst forwarded an e-mail to
	unauthorized recipients that included the identities of USPs. The e-mail was immediately
All the second s	recalled.
(b) (1) (b) (3) -P.L.	an analyst forwarded in an e-mail to unauthorized
	recipients the results of a raw traffic database query that included terms associated with a USP.
	The e-mail was recalled the same day.
	(C//SI//NF) NSA issued a memorandum that erroneously
	contained a USP identity. The memorandum was immediately recalled (b) (3) -P.L. 86-3
	(TS//SI//NF) USP information was inadvertently released as part
	were not vetted for possible USP
	data. The recipient has submitted a request for evaluated minimized traffic.
	(TS//SI//REL_TO USA, FVEY) USP information was released to
	unauthorized recipients in a chat room. The information was recalled, and the recipients were
	instructed to destroy all copies.
	(TS//SI//REL TO USA, FVEY) an NSA analyst provided a file
	containing raw SIGINT to an IC analyst who was not authorized to receive it. Upon discovery of
	his mistake the NSA analyst instructed the IC analyst to delete the file.
	(TS//SI//REL TO USA, FVEY) an analyst discovered that the
	identity of a U.S. entity had not been masked in traffic passed The traffic
	was canceled, properly minimized, and reissued purged the traffic containing the unmasked U.S. identity. To prevent a recurrence,
	(b) (1)
	I.A.5 (U) Systems Error
	(TS//SI//NF) it was discovered that a system
	without sufficient

/(b) (1)

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(þ)	(3) - 50	USC	3024(i)

(b)(3)-50 USC 3024(i)

	documentation regarding the system's procedures for data ingest, age-off, or purge. Information gathered indicated that the data retained in the system included
b) (1)	identify the scope of the problem, as well as solutions, are ongoing.
b)(3)-P.I	I.B. (U) Foreign Intelligence Surveillance Act (FISA)
	(U// FOUO) Some incidents may involve more than one authority (e.g., E.O. 12333, NSA/CSS Title I FISA, FAA). Incidents involving more than one authority are included in the section for each involved authority. Thus, a single incident may produce multiple entries in this report.
	(U/ FOUO) Incidents of non-compliance with any authority or approval granted by the Foreign Intelligence Surveillance Court (FISC) are reported to the FISC, the Department of Justice, and the Office of the Director of National Intelligence.
	I.B.1. (U) NSA/CSS Title I FISA
	I.B.1.a. (U) Detasking Delays
	discovered that selectors for foreign intelligence targets had not been detasked All selectors have
	been detasked, and non-compliant data has been marked for purging.
	(TS//SI/NF) an analyst discovered that a selector associated with a previously FISC-approved target had been mistakenly included on a renewal of the Court Order (b) (1)
	I.B.1.b. (U) Unauthorized Targeting (b) (3)-P.L. 86-36
	(TS//SI//NF) an analyst discovered that communications collected pursuant to FISA authority did not belong to the FISC-approved target. The selector used to target the communications was detasked and non-compliant data was marked for purging.
	(TS//SI//NF)
	Data collected from the selector has been requested to be purged.
[(TS//SI//NE) an analyst learned that had been using the telephone number for a
	The telephone selector was detasked, and non-compliant data was marked for purging.
and the second s	(b) (1)
(b) (1) (b) (3) -P	(b) (1) (b) (3)-P.L. 86-36 (b) (3)-18 USC 798

1	(b)	(1)
l	(b)	(3)-P.L. 86-36
ĺ	(h)	(3) -18 TISC 798

target	an analyst discovered that collection occurring cellular telephone selector associated with a FISC-approved The selector
was detasked	The selector
L. 86-36	it was discovered that a callular talanham mumber
authorized for collection under a	it was discovered that a cellular telephone number
The selector was detas	ked and non-compliant data was
requested to be purged	
I.B.1.c. (U) Database Queries	s
-(TS//SI//NF)	an analyst performed a query in a raw traffic
	ed with a target after it had been determined that the target was ent of a foreign power. Non-compliant data was marked for
purging.	ant of a foreign power. Non-compliant data was marked for
P	(b) (1)
I.B.1.d. (U) Data-Handling Er	rrors (b) (3)-P.L. 86-36
-(TS//SI//NF)	while investigating an incident of improper
handling of	NSA discovered that analysts in various organizations
	ata properly. NSA provided remedial training to analysts who
access Title I FISA data.	
-(S//SI//REL TO USA, FV	an analyst discovered that
(SI/SI/REL TO USA, TV	E 1) an analyst discovered that
	<u> </u>
	ization The work to determine the scope
reported to the compliance organi	
reported to the compliance organi of the problem and the steps to mi	
	itigate the incidents is ongoing.
of the problem and the steps to mi	itigate the incidents is ongoing.
of the problem and the steps to mi	itigate the incidents is ongoing.
of the problem and the steps to mi	(b) (1) (b) (3)-P.L. 86-36
of the problem and the steps to mi	(b) (1) (b) (3) -P.L. 86-36 (b) (3) -50 USC 3024(1)
of the problem and the steps to mind I.B.2. (S//REL TO USA, FVEY (U) Nothing to report. I.B.3. (TS//SI//NF) Business I	(b) (1) (b) (3) -P.L. 86-36 (b) (3) -50 USC 3024(i)
of the problem and the steps to mind I.B.2. (S//REL TO USA, FVEY (U) Nothing to report.	(b) (1) (b) (3) -P.L. 86-36 (b) (3) -50 USC 3024(i)

(b)

(b)(3)-18 USC 798

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I.B.4. (U) FISA Amendments Act (FAA)

(U//FOUO) Some incidents may involve more than one authority (e.g. E.O. 12333, NSA/CSS Title I FISA, FAA). Incidents involving more than one authority are included in the section for each involved authority. Thus, a single incident may produce multiple entries in this report.

(II/FOLIO) NGA/CGC has immlemented a manager	a to angure that EAA \$702 data
(U/ /FOUO) NSA/CSS has implemented a process required to be purged is purged from NSA/CSS database	
required to be purged is purged from NSA/CSS database	s. NSA created a
	to identify non-
compliant data that should be purged.	
I.B.4.a.i. (U) Tasking Errors	
(TS//SI//REL-TO USA, FVEY) On occasions	
were incorrectly tasked because of typographical errors.	The selectors were detasked, and the
information has been purged. No reports were issued.	
(TS//SI//REL TO USA, FVEY) On occasio	and it was discovered that a salector had
been tasked in error because the target did not meet the c	
The selectors have been detasked, and the non-compliant	· ·
issued.	data has been purged. No reports were
	<u></u>
(TS//SI//ŖÉL-TQ-ÚSA, FVEY)	it was discovered that a selector
had been erroneously tasked because information receive	
USP status had not been passed to the analyst before the	
addition, the selector had remained on task	because of confusion about
which analyst would submit the detask request. All non-	compliant data has been marked for
purging, and no reports were issued.	
(TS//SI//REL TO USA, FVEY)	an analyst discovered that a
selector tasked under the FAA §702	certification should have been
tasked under the certification. The sele	
and all non-compliant data was marked for purging.	
3. 86–36 (TS//SI//REL_TO USA, FVEY)	it was discovered that a selector
	discovery, the selector was immediately
detasked. The non-compliant data was marked for purgin	ng.
(TS//SI//NF) it was disco	vered that a selector had been retasked
in error because an analyst had not followed proper taski	
detasked	ing procedures. The selector had been
The selector was detasked	Non-compliant
data has been marked for purging.	
	(b) (1)
	(b) (1) (b) (3)-P.L. 86-3

10

	(TS//SI//REL TO USA, FVEY) it was discovered that a selector associated with a valid foreign intelligence target had been erroneously tasked because of a typographical error. Believed to be associated with a USP, the incorrect selector had been detasked, and non-compliant data has been marked for purging.
6) (1)	(TS//SI//REL TO USA, FVEY) an analyst learned that a selector had been erroneously tasked because an IC agency analyst had passed an incorrect selector. The selector was detasked and non-compliant data has been marked for purging.
o) (3) -P.	a valid foreign intelligence target had been in communications with another person, while both were located in the United States. All non-compliant data associated with the domestid communication was purged, and no reports were issued. (b) (3)-P.L. 86-36 (b) (3)-50 USC 3024(i)
	(TS//SI//REL TO USA, FVEY) On occasions, an analyst tasked a selector believed to be associated with a valid foreign intelligence target, but after tasking, the analyst received proof that the target was either a USP or not the intended target. In each situation, the selector was detasked and the non-compliant data was purged.
	I.B.4.a.ii. (U) Unauthorized Targeting (TS//SI//REL-TO USA, FVEY) On occasions during the fourth quarter, collection occurred on e-mail accounts the United States
[(Also included are occasions when the United States could not be confirmed.)
[States could not be confirmed.) I.B.4.a.iii. (U) Database Queries (b) (1) (b) (3) -P.L. 86-36
	States could not be confirmed.) I.B.4.a.iii. (U) Database Queries (TS//SI//REL_TO USA, FVEY) On occasions during the fourth quarter, analysts performed in FAA §702 data overly broad or poorly constructed database queries that potentially selected or returned information about USPs. These queries used
	States could not be confirmed.) I.B.4.a.iii. (U) Database Queries (TS//SI//REL TO USA, FVEY) On occasions during the fourth quarter, analysts performed in FAA \$702 data overly broad or poorly constructed database queries that potentially selected or returned information about USPs. These queries used (TS//SI//REL TO USA, FVEY)
	States could not be confirmed.) I.B.4.a.iii. (U) Database Queries (TS//SI//REL TO USA, FVEY) On occasions during the fourth quarter, analysts performed in FAA §702 data overly broad or poorly constructed database queries that potentially selected or returned information about USPs. These queries used that produced imprecise results.
	States could not be confirmed.) I.B.4.a.iii. (U) Database Queries (TS//SI//REL TO USA, FVEY) On occasions during the fourth quarter, analysts performed in FAA §702 data overly broad or poorly constructed database queries that potentially selected or returned information about USPs. These queries used (TS//SI//REL TO USA, FVEY) an analyst performed a query in an FAA §702 raw traffic database using selectors associated with a USP target approved under FAA §705(b) authority. The queries were not performed in

	(b) (3)-P.L. 86-36 (b) (3)-50 USC 3024(i)			
a	The first analyst immediately detasked the selector and deleted the query and the results the following day. Both analysts were counseled on the proper procedures for ensuring that all selectors associated with a target are detasked.			
b	an auditor discovered that an analyst and performed a query in an selector known to be a USP. Upon being told of the mistake, the analyst immediately deleted the query and the results.			
p	(TS//SI//REL TO USA, FVEY) an analyst mistakenly queried on a selector associated with a USP as a result of not being familiar with the new functionality provided by the query form. The analyst realized her mistake immediately and deleted the query and the results.			
	(TS//SI/NF) analysts performed queries on selectors associated with a USP in a raw traffic database without conducting the necessary research on the selectors. The queries and the results were deleted.			
d L	the analyst had detasked the selector All results have been deleted.			
_ _ _ <u>\$</u>	(TS//SI//REL TO USA, FVEY) an auditor discovered that, on query in an FAA selectors associated with a known USP.			
L	the query and the results were deleted. No reports were issued. (b) (1) (b) (3)-P.L. 86-36 (TS//SI//REL TO USA, FVEY) an analyst discovered selectors associated with an individual who was not the intended target			
L a in	and who had traveled to the United States. A selector that was correctly associated with the ntended target was queried when the target was in the United States.			
1.	.B.4.a.iv (U) Detasking Delays (b) (3) -P.L. 86-36 (b) (3) -50 usc 3024(i)			
г	(TS//SI//NF) it was discovered that potentially			
c	causing a delay in detasking of up to 24 hours on some requests. detask selectors immediately upon request.			
<u>/</u> [(TS//SI//NF) it was discovered that			
(b) (1)	Upon discovery of the error, the selectors were mmediately detasked and the non-compliant data was marked for purging.			
(b)(3)-P.L.	86-36 (TS//SI//REL TO USA, FVEY) it was discovered that selectors associated with valid foreign intelligence targets had remained on task while the targets			

(b) (1)

	were in the United States
	the targets were in the United States. The selector's were
	detasked and all non-compliant data were marked for purging.
	(TS//SI//REL TO USA, FVEY) it was discovered that
	the foreign intelligence target selector had remained on task while the target was in the United States. The selector was
	detasked Non-compliant data has
(1)	been marked for purging.
(3)=P-L	associated with a foreign intelligence target had remained on task while the target was in the United States from
	(TS//SI//REL TO USA, FVEY)
	it was discovered that selectors associated with valid foreign intelligence targets had remained on task when the targets arrived in the United States. On each occasion, the analyst
	The selectors were detasked, and all non-
	compliant data was purged. No reports were issued. (b) (1) (b) (3) -P.L. 86-36
	-(TS//SI//REL TO USA, FVEY)
	was discovered that selectors associated with valid foreign intelligence targets had remained
	on task when the targets were in the United States. The selectors were
	detasked upon discovery of the incidents, and all non-compliant data was purged. No reports were issued.
	(TS//SI//REL-TO USA, FVEY) it was discovered that a selector
	associated with a valid foreign intelligence target had remained on task while the target was in the United States.
	All non-
	compliant data was purged. (b) (1) (b) (3) -P.L. 86-36
	(TS//SI//REL TO USA, FVEY) an analyst discovered that a
	selector associated with a valid foreign intelligence target had remained on task when the target
	arrived in the United States
	compliant data was purged, and no reports were issued.
	(TS//SI//REL-TO-USA, FVEY) it was discovered that a selector
	associated with a valid <u>foreign intelligence target</u> had remained on task while the target was in
	the United States from The selector remained tasked because the
	target had returned to a foreign location. The non-compliant data was purged

-(TS//SI//REL TO USA, FVEY) an analyst discovered that a			
selector associated with a valid foreign intelligence target had remained on task when the target			
visited the United States from When the analyst was originally			
notified that his target was in the United States the			
analyst initiated a detasking, but the detasking was not executed. When the analyst was notified			
a second time that the target was located in the United States, the selector			
was immediately detasked. All non-compliant data was purged. (b) (1) (b) (3) -P.L. 86-36			
(TS//SI//NF) NSA analysts discovered that a selector had			
remained on task because of a software error			
The system error was corrected			
Non-compliant data has been marked for purging.			
(TC//CI//DEL TO LICA - EVENA			
-(TS//SI/REL TO USA, FVEY) it was discovered that			
selectors associated with valid foreign intelligence targets had remained on task while the			
target was in the United States. The selectors were detasked and the non-compliant data was			
purged.			
an analyst discovered that selectors (b) (1)			
associated with a valid foreign intelligence target had remained on task while the target was (3)-P.L. 86-36			
visiting the United States from The analyst was aware on			
that the target was in the United States and believed that the selectors had			
been detasked that day the analyst realized that the selectors had not			
been detasked but did not request the selectors to be detasked at that time because the target had			
returned to a foreign location. All non-compliant data was purged, and no reports were issued.			
returned to a foreign focation. All non-compitant data was purged, and no reports were issued.			
(TS//SI//REL TO USA, FVEY) an analyst discovered that (b) (1)			
collection had occurred on selectors associated with a valid foreign intelligence target (3) -P.L. 86-36			
visiting the United States,			
The collection occurred because the			
the selectors were detasked and the non-compliant data was purged. No			
reports were issued.			
(TS//SI//REL TO USA, FVEY) an analyst discovered that			
selectors associated with a valid foreign intelligence target had remained on task when the target			
was in the United States.			
resulting in collection of the target while in the United States. The selectors			
were detasked and the non-compliant data was purged (b) (1)			
(b) (3) -P.L. 86-36			
(TS//SI//REL TO USA, FVEY) it was discovered that a selector			
associated with valid foreign intelligence target had remained on task while the target was in the			
United States.			
The selectors were not detasked			
because the target had returned to a foreign location. All non-compliant data has been marked			
for purging.			

(TS//SI//REL-TO USA, FVEY) [it was discovered that selectors
associated with valid foreign intelligence	e targets had remained on task while the targets were in
the United States.	
purging. All the selectors we	ere detasked, and the non-compliant data was marked for
I.B.4.a.v. (U) Data-Handling Errors	(b) (1) (b) (3)-P.L. 86-36
-	an analyst sent an e-mail, which data, to an IC analyst not authorized to receive it. Upon all without opening the attachment. The analyst was edures.
	an analyst sent an e-mail, which data, to three analysts not authorized to receive it. Upon ail and the file to which the information was
were using outdated guidance and were	t was discovered that analysts were shout controlling access to the information. The analysts unaware of the proper procedures for handling FAA of the proper procedures, and the data was placed in
access controls. Instead, the placement accessed by unauthorized and untrained	an analyst discovered that in the proper file directory that would have provided of the FAA §702 defaulted to a directory that could be personnel, although highly unlikely.
	(b) (1)
· ·	(D)(3)-F.L. 80-30
analyst was approved for FAA §702 dated at which time her access so incident, the analyst's access to FAA §7	
(TS//SI//REL TO USA, FVEY) analyst was accessing FAA §702 data fr for FAA §702 data access	an analyst discovered that another om an unauthorized location. The analyst was approved but then transferred to another location in

	incident, the analyst's access to FAA §702 was discontinued.	(b) (1)			
b)(1) b)(3)-P.L.	I.B.4.a.vii (U) Systems Error	(b) (3)-P.L. 86-36 (b) (3)-50 USC 3024(i)			
	(TS//SI//NF)				
	(TS//SI//NF)				
	I.B.4.b. (U) FAA Section 704				
	(U) Section 704 of the FISA provides for the targeting of United States persons located outside the United States pursuant to a particularized court order.				
	I.B.4.b.i. (U) Detasking Delays				
	(TS//SI//NF) it was discovered that selectors	for a FAA §704-			
	approved target had remained on task The selectors were detasked				
	I.B.4.c. (U) FAA Section 705(b)	(b) (1) (b) (3)-P.L. 86-36			
	(U) Section 705(b) of the FISA provides for the targeting of United located outside the United States upon authorization by the Attorney Generative been obtained authorizing a physical search or electronic surveillance	ral when court orders			
	I.B.4.c.i. (U) Database Queries				
	(TS//SI//NF) a database auditor discovered that performed queries on an FAA §705-approved target	t an analyst had (b) (1) (b) (3) -P.L. 86-3			
	/TC//CL//NIC>				
	-(15//51//1VI)	1			
	(TS//SI//NF) an analyst was notified by target tasked under FAA §705(b) authority had returned to the United State	es			
		(b) (1)			
(b) (1) 3)-P.L. 86-36 -TOP-SECRET//SI/TALENT-KEYHOLE//NOFORN 16	(b) (3)-P.L. 86-36 (b) (3)-50 USC 3024(i)			

TOP SECRET//SI/TALENT KEYHOLE//NOFORN

The selector was detasked To prevent future detasking delays, NSA analysts reminded of the necessity to
FAA §705(b) targets.
I.C. (U) Consensual Collection (b) (1) (b) (3) -P.L. 86-36
(U) Nothing to report.
I.D. (U) Dissemination of U.S. Identities
(TS//SI//NF) The NSA/CSS enterprise issued SIGINT product reports during the fourth quarter of CY2012. In product reports, disseminations were found to be improper, and the reports were recalled as NSA/CSS and analysts learned of USPs, U.S. organizations, or U.S. entities named without authorization. All data in the recalled reports was deleted as required, and the reports were not re-issued or were re-issued with proper minimization.
I.E. (U) Counterintelligence Activities
(U) Nothing to report.
I.F. (U) Detection and Prevention of Violations
(TS//SI//NF) As previously reported, NSA has instituted a process to help identity when the users of properly tasked the United States. NSA's telephony process identified in the fourth quarter. Collected data was purged from NSA/CSS's raw traffic repositories. NSA's process for
in the fourth quarter.
Collected data was purged from NSA/CSS's raw traffic repositories.
I.G. (U) Other (b) (3)-P.L. 86-36 (b) (1) (b) (3)-P.L. 86-36
(U/FOUO) In instances, database accesses were not terminated when analysts were deployed or reassigned to another site. Although not considered violations of E.O. 12333 or related directives, the accesses were terminated in accordance with NSA policy. In addition, there was instance of unauthorized access to raw SIGINT and instances of account sharing during the quarter.
II. (U) NSA/CSS Office of the Inspector General (OIG) Intelligence Oversight (IO) Inspections, Investigations, and Special Studies
(U/ FOUO) During the fourth quarter of CY2012, the OIG reviewed various NSA/CSS

(U/FOUO) During the fourth quarter of CY2012, the OIG reviewed various NSA/CSS intelligence activities to determine whether they had been conducted in accordance with statutes, E.O.s, AG-approved procedures, and Department of Defense and internal directives. The problems uncovered were routine and the reviews showed that operating elements understand the restrictions on NSA/CSS activities.

DOCID: 4165220 (b)(3)-P.L. 86-36 (b)(3)-18 USC 798 TOP SECRET//SI/TALENT KEYHOLE//NOFORN (b) (3) - 50 USC 3024(i)II.A. (S//REL-TO USA; FVEY) (S//REL TO USA FVEY) During the field inspection of an IO inspector reviewed IO program management, IO training provided to personnel assigned to the site, and procedures for ensuring that all site personnel received required IO training. The inspector's overall assessment was that the site had a rudimentary IO program that needed further documentation and development. The OIG recommended that the site document its IO processes and procedures and conduct informal IO training sessions for site personnel. II.B. (U) Special Study of the Research Directorate's (RD) Compliance Program (U//FOUO) The NSA OIG summarized the results of a review of the NSA RD's_ Compliance Program in a report published The review, conducted focused on the operation of the program by the Directorate's IO component. The review identified two areas of improvement for the IO compliance program: program documentation and enhanced controls to monitor IO training compliance for the RD workforce. II.C. (U) Special Study: Assessment of Management Controls Over FAA §702 (b) (3)-P.L. 86-36 (U//FOUO) The NSA OIG reported the results of a review of the management controls implemented to provide reasonable assurance of compliance with FAA §702. The report, published identified one instance of non-compliance and included recommendations to improve the overall control environment in which FAA §702 authority is exercised. Information received after the report's issuance that had not been made available to the OIG during the initial review indicated that there had been no instance of non-compliance and that the control procedures are designed to comply with FAA §702. II.D. (U) Advisory Report on Compliance with NSA/CSS Authorities (U/frouo) the NSA OIG conducted a review of a technology demonstration that uses cloud computing. In an advisory report published

II.E. (U) Ongoing Studies

sustainable outside the tightly controlled

(U//FOUO) The following special studies were initiated during the quarter and will be summarized in subsequent quarterly reports:

the OIG found that controls on data ingestion and on

environment.

compliance measures vulnerable to human error. Furthermore, these controls were not

required manual implementation to comply with NSA/CSS authorities, leaving

participants

(b)(3)-P.L. 86-36

- (U//FOUO) FAA §702
- (U) Special Study: Assessment of Management Controls Over FAA §702 Revision
- (U) Special Study of Auditing Control Framework for Signals Intelligence System Queries

(b) (3)-P.L. 86-36
 (U) Special Study of the System (U) Special Study of the Technology Directorate Mission Compliance Program (U) Special Study of the Information Assurance Directorate Office of Oversight and Compliance Mission Compliance Program
II.F. (U) Misuse of the U.S. SIGINT System
(U) Nothing to report
II.G. (U) Congression al and IO Board Notifications
(S//SI//NF) NSA notified the Congressional intelligence (b) (1) (b) (3)-P.L. 86-36 committees about a Title I FISA compliance incident involving the misapplication of certain provisions of NSA's minimization procedures. After learning of one instance in which domestic communications encountered in the course of authorized collection had not been handled as required, senior NSA managers initiated a full-scale review. Although the review is ongoing, they have learned that there was no indication of willful non-compliance of minimization procedures; personnel seem to have misapplied those procedures. Retraining sessions are ongoing.
II.H. (U) Other Notifications
-(TS//SI//NF) The AG granted NSA/CSS approval forintelligence -related collection activities associated with USP hostage and detainee cases.
III. (U) Substantive Changes to the NSA/CSS IO Program (b) (1) (b) (3) -P.L. 86-36
A. (U)
(U//FOUO) As reported in the Second Quarter CY2011 report, NSA/CSS is developing a tool designed to automate the process of submitting mission compliance incident reports across the worldwide NSA/CSS enterprise. The will become the Agency's central tool for (b) (3)-P.L. 86-3 reporting all potential mission compliance incidents and will provide such benefits as a streamlined management process, a central repository, and metrics data to support root cause identification and trend analysis. The is expected to be implemented With the implementation of the NSA will be able to perform comprehensive trend analysis
IV. (U) Changes to NSA/CSS Published Directives or Policies Concerning Intelligence, Counterintelligence, or Intelligence -Related Activities and the Reason for the Changes
(U) Nothing to report.
V. (U) Procedures Governing the Activities of DoD Intelligence Components that Affect USP (DoD Directive 5240.1-R, Procedure 15) Inquiries or Matters Related to IO Programs

(U) Nothing to report.		
VI. (U) Crimes Reporting		(b) (1)
(U) Nothing to Report		(b) (3)-P.L. 86-36 (b) (3)-50 USC 3024(i
VII. (U) Other Matters		
(S//NF) The NSA OIG is continuing Third Quarter CY2012 report that	its investigation into an alleg	gation reported in the
(TS//SI//NF)		<u> </u>
NSA verbally notified the Office Intelligence Oversight of this issue. (U) NSA/CSS has taken the following the control of the office of the control of the office of the control of the office of the		ary of Defense for
	roval from the Undersecretary	of Defense for
(b) (1) (b) (3) =P.L. 86-36 (b) (3) =50 USC 3024 (i) (S//NF) NSA/CSS is working with the second sec	cipate that this	